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DEPARTMENT FOR EAP/MLS, PRM AND DRL
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TAGS: [PREF](#) [PHUM](#) [CB](#)
SUBJECT: MONTAGNARD DEMONSTRATION AT UNHCR SITES ENDS
PEACEFULLY; UNHCR PREDICTS MORE

¶1. (SBU) Summary: Some 250 Montagnard individuals demonstrated outside of two UNHCR sites in Phnom Penh on Friday, July 18, shouting "Freedom!" and expressing concerns over conditions in Vietnam and complaints about the living conditions at the UNHCR sites. The demonstration took place minutes after the departure of 26 Montagnard individuals who were determined by UNHCR not to be refugees and were being deported back to Vietnam. The demonstration was said to be sparked partly by the beating of one Montagnard person who was among those repatriated. People claiming to be witnesses said the police beat the escapee after he had escaped the UNHCR site the previous night but police reported that a group of civilians beat him up because they thought he was a thief. Emboff noted restraint shown by armed, uniformed and plainclothes police during the demonstration lasting longer than two hours. The tense standoff ended peacefully with the demonstrators agreeing to return inside the sites after UNHCR told them they would accept their complaints on an individual basis when they had calmed down. UNHCR Cambodia Country Director predicted more demonstrations in the coming months assuming the UNHCR continues to recognize fewer Montagnard individuals as refugees, and as more persons are returned to Vietnam. End Summary.

Montagnard Demonstration at UNHCR Sites

¶2. (SBU) On July 18, approximately 250 Montagnard women and men, including elderly persons, and some with children and babies, demonstrated outside of two adjacent UNHCR sites in Phnom Penh shouting "Freedom!" The demonstration started shortly after the departure of 26 Montagnards who were deported because they had been determined by UNHCR not to be refugees. (Note: The 26 persons deported arrived after May 1, 2007, the cut off date for arrivals to UNHCR to be reviewed for U.S. resettlement even after they have been rejected refugee status by the UNHCR.) The demonstrators complained about conditions at the UNHCR sites, inability to move around freely in Cambodia, and conditions in Vietnam. The demonstration started at the UNHCR's "Site 1" which houses 127 individuals, 103 of whom have been recognized as refugees. During the deportation proceeding, Emboff heard individuals shouting and making banging noises from within Site 1. After the bus of 26 deported persons departed, demonstrators exited Site 1 into the street and opened the entrance gate of Site 2, from which the deported Montagnards had departed. Some Montagnard persons from Site 2 joined the demonstration.

HRW, Journalists, SRP Parliamentarian Monitor; Few Others

¶3. (SBU) Emboff reported that Human Rights Watch Senior Researcher Sara Colm (Amcit) and SRP Parliamentarian Son

Chhay arrived separately about 30 minutes into the demonstration -- Colm was taking photos -- and a few journalists who arrived were allowed inside the police lines later. At that point, about two to three police officers had lined up on either side of the block. Ministry of Interior Internal Security Department Deputy Director Sovann, who typically attends Montagnard deportation proceedings, tried to talk with the demonstrators after about an hour and a half, explaining that they had been allowed to demonstrate without interference and that their message had been heard by the small audience that was on site. However, Sovann also explained that it was time for the crowd to return inside the sites. Police in riot gear arrived on the scene a few minutes later, standing at one end of the street. Demonstrators -- now a group of about 100 persons or less, but still with women and children among them -- continued their chanting on the street despite Sovann's request.

UNHCR: Law and Order is RGC Responsibility

¶4. (SBU) Ministry of Interior Deputy Director Sovann asked UNHCR Protection Officer Toshi Kawauchi, who was on site during the demonstration, to try to convince the demonstrators to end their protest. Kawauchi initially refused (Note: The UNHCR Cambodia Country Director told Emboff that UNHCR does not negotiate with demonstrators. End Note.) but finally agreed after one of the plainclothes police officers asked him to sign a document that said the UNHCR had refused to talk to the demonstrators. Emboff noted that police representatives had already consulted with UNHCR several times as to whether they could use force to end the

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demonstration. Kawauchi told them that UNHCR was against any disproportionate use of force but that this was an issue of Cambodian law and order, and that enforcement of the law is the responsibility of the Cambodian government.

UNHCR Convinces Demonstrators to End Protest

¶5. (SBU) Kawauchi talked to the demonstrators for about 30 minutes before the demonstrators agreed to go back inside. He told them that UNHCR was willing to hear their concerns and demands on a one-on-one basis and that they are protected by UNHCR and the RGC while they are inside of the sites. For those who have been rejected refugee status by UNHCR, Kawauchi told them that they are subject to Cambodian immigration and other laws while outside of the site. As of July 22, Kawauchi has a meeting date set with one of the demonstration leaders, but said that there have been no other requests for meetings with UNHCR staff since the demonstration.

Montagnard Individual Beaten Before Demonstration

¶6. (SBU) The demonstration may have been precipitated by the beating of a Montagnard who had been determined by the UNHCR not to be a refugee and who was among those deported on July 18. The individual ran away from the site the night before the deportation and was reportedly seen by police hiring a motorcycle taxi and trying to flee. Police said that they yelled to bystanders to catch him and that the bystanders thought he was a thief and beat him up; when the police arrived they saved him from further beating. However, persons claiming to be witnesses told UNHCR that one of the police officers beat him up. One UNHCR staff who works at the sites said the beaten person had visible bruises on his face, and said that another person who claimed to witness the beating said the police also beat the man's body. UNHCR Cambodia Country Director Thamrongsak Meechubot stated during a July 22 meeting that he believed that there were no witnesses to the beating and that they do not know which version to believe. He also said that once a Montagnard

individual who has been rejected refugee status leaves the sites, he is subject to Cambodian laws. UNHCR Phnom Penh has decided the situation was one of law and order for which the Cambodian government has responsibility and stated that they do not plan to take further action regarding the beating. (Comment: Embassy is not satisfied with this approach and will discuss further with UNHCR.)

Decreasing Refugee Recognition Rate, Increasing Frustration

17. (SBU) UNHCR believes the demonstration can be attributed to growing frustration among Montagnard individuals at the sites because of a decline in the number of persons recognized as refugees, and an increase in deportations to Vietnam. Meechubot reported that about 400 Montagnard individuals have been returned to Vietnam in 2008 -- approximately 200 voluntary departures and 200 deportations. After the July 18 deportation, and a concurrent voluntary repatriation of five individuals, there are now 447 Montagnard individuals who are housed at the three UNHCR sites in Phnom Penh. Of those, 114 persons are recognized as refugees; 199 are being processed by UNHCR; and 134 have been "finally rejected" or determined not to be refugees by UNHCR. According to the Overseas Processing Entity in Bangkok, 70 persons are currently either a) under review for U.S. resettlement, or b) have been rejected by the DHS for U.S. resettlement but are still within a 90-day period to file a request for review of the negative DHS decision.

UNHCR Phnom Penh Sites Meet Standards

18. (SBU) Regarding demonstrators' complaints about conditions at the UNHCR sites, Emboff visited the three sites during 2008 and found crowded but relatively clean facilities with potable water, sufficient food rations, and access to a medical service provider. Meechubot confirmed that the sites meet UNHCR standards.

Comment

18. (SBU) During a July 22 meeting, UNHCR Cambodia Country

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Director Meechubot predicted that we will see more demonstrations by Montagnards at the UNHCR sites in the coming months and we concur with this prediction. We are pleased at the restraint shown by the Cambodian police during the demonstration, given the demonstration took place in contravention to Cambodia's demonstration law which states that demonstrators must inform officials of their protest plans in advance. However, UNHCR Protection Officer Toshi Kawauchi confided to Emboff that he worried the police may not show such restraint if there is another protest. While the UNHCR mandate is to protect persons seeking refugee status, Kawauchi stated that they do not have a responsibility to physically protect individuals. He reiterated Meechubot's statement that UNHCR protection does not extend to Montagnard individuals who are determined not to be refugees if they are outside of the sites, and are subject to Cambodia's law enforcement if they break Cambodian laws.

MUSSOMELI